



U.S. Department of Justice

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September 19, 2006

The Honorable Susan Oki Mollway
United States District Judge
PJJK Federal Building
Fourth Floor, U.S. Courthouse
Honolulu, HI 96850

Re: United States v. Jackson Muldoon
Cr. No. 03-00517-SOM-02

Dear Judge Mollway:

I spoke to your Secretary, Joni Gross, this morning. Ms. Gross informed me that Jackson Muldoon wishes to travel to Asia, departing tomorrow for medical treatment and business purposes.

On learning of the planned trip, I attempted to reach Mr. Muldoon's attorney, Philip Lowenthal, who is beginning a State trial on Maui today, and was unavailable. In view of that, I have not been able to obtain any information concerning Mr. Muldoon's anticipated medical treatments except what I have learned from Alysa Makahanaloa of U.S. Probation. It appears the nature of the treatment Mr. Muldoon desires is assistance with his eczema. I have also learned that Mr. Muldoon's probation will be terminated in April of next year and without information suggesting the trip is absolutely necessary, it seems that there would be no prohibition to awaiting the termination of his probation before commencing his trip abroad.

Finally, Ms. Makahanaloa informed me this morning that in November, 2005 Mr. Muldoon did travel to Asia and though there were no apparent violations of the law upon his return, subsequently, in January 2006, he was observed advertising a protected plant for sale by the Fish and Wildlife Service. The U.S. Attorney's Office in Oregon has declined prosecution because of the de minimis value of one plant. However, the importation for sale of a protected species is a clear violation of Mr. Muldoon's probation and the United States objects to his travel because of that violation. Thailand and Southeast Asia were the

SEP 19 2006

The Honorable Susan Oki Mollway
Page 2
September 19, 2006

scene of Mr. Muldoon and Mr. Gruver, his brother's, previous criminal conduct.

The government does not require a hearing on this matter and invites the Court to base its decision upon this information and the Probation Office report that was submitted on September 18, 2006.

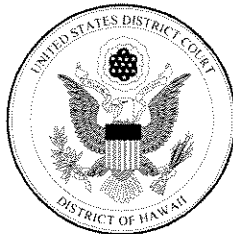
Respectfully,

EDWARD H. KUBO, JR.
United States Attorney
District of Hawaii

By 

LESLIE E. OSBORNE, JR.
Assistant U.S. Attorney

LEO:gp



CHAMBERS OF JUDGE SUSAN OKI MOLLWAY

United States District Court

300 Ala Moana Boulevard, Room C409, Honolulu, Hawaii 96850-0409

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DATE: September 19, 2006

TO: Alysa Makahanaloa FAX: 1345
Philip H. Lowenthal FAX: 808-242-1500

FROM: Joni Gross, secretary to Judge Susan Oki Mollway

PAGES: 3 including this page

RE: United States v. Jackson Muldoon; Cr. 03-00517 SOM-02

SENDING: Ltr fr Leslie Osborne to Judge Mollway dated September 19, 2006.

COMMENTS:

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